THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AKITO SAITO
and TOSHIO HORIGUCHI

Appeal No. 96-1339
Application 08/089,433[1]

HEARD: May 5, 1999

Before BARRETT, DIXON, and BARRY, Administrative Patent Judges.

BARRETT, Administrative Patent Judge.

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[1] Application for patent filed July 12, 1993, entitled "Information Display System For Displaying Time-Series Numerical Values And Graph Simultaneously," which claims the foreign filing priority benefit under 35 U.S.C. § 119 of Japanese Application 4-199840, filed July 27, 1992, and Japanese Application 4-258557, filed September 28, 1992.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the final rejection of claims 1-22.

We reverse.

BACKGROUND

The disclosed invention is directed to an information display system for displaying time-series numerical-value data. As described in the specification, it was known to display time-series numerical-value in a list form as shown in figure 1; this lets one see the exact numerical values (and non-numerical values, such as the "urine sugar" parameter), but it is difficult to visually grasp the trend in the data from this presentation. It was also known to display time-series numerical-value data as a graph as shown in figure 2; this lets one easily visually grasp the trend in the data, but it is difficult to read exact values off the coordinate axes. Appellants' invention is to display the list of time-series order numerical-value data and the graph of the time-series order numerical-value data simultaneously on the same display surface as shown in figure 16.

Claim 1 is reproduced below.[2]

1. An information display system, comprising:

reproducing means for reproducing information regarding a plurality of items recorded onto information recording media;

selecting means for selecting combined item groups which are grouped into a plurality of predetermined combinations of items, among information regarding the plurality of items reproduced by said reproducing means;

time-series order numerical-value data generating means for generating time-series order numerical-value data in which numerical-value data are brought into said time-series order, with respect to items including said numerical-value data, and belonging to the combined item groups selected by said selecting means;

time-series order graph generating means for generating a time-series order graph in which said numerical-value data are graphed in said time-series order, with respect to items including said numerical-value data; and

display means for displaying simultaneously said time-series order numerical-value data and said time-series order graph on a single screen of the display means.

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[2] Note that "with respect to" on text line 12 of claim 1, as reproduced, was inadvertently changed to "which respect to" in the amendment received November 2, 1994 (Paper No. 4), and in claim 1 reproduced in the Appendix to the Brief.

The examiner relies on the following prior art references:

Norden-Paul et al. (Norden-Paul)	5,247,611	September 21, 1993 (filed April 22, 1991)
Saito	5,261,031	November 9, 1993 (filed April 9, 1990)

Claims 1-22 stand rejected under 35 U.S.C. § 103 as being unpatentable over Norden-Paul and Saito. The examiner's position is that Norden-Paul teaches an "information display system," "reproducing means," "selecting means," "time-series order numerical-value data generating means," and "display means" and that (Final Rejection, page 3):

> It is noted that [Norden-]Paul does not explicitly teach the graph generating means as claimed. However, [Norden-]Paul's time-series data suggests any well known type of representing these data can be used such as representing in the graph form as claimed. Furthermore, Saito teaches that the graph representation of time-series data such as [Norden-]Paul's is [sic, was] widely used in the art (Saito, figure 2). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Saito, to configure [Norden-]Paul's system as claimed by representing [Norden-]Paul's time series data in graph form.

We refer to the Final Rejection (Paper No. 5) (pages referred to as "FR__") and the Examiner's Answer (Paper No. 8) (pages referred to as "EA__") for a statement of the examiner's position and to the Appeal Brief (Paper No. 7)

(pages referred to as "Br__") for a statement of appellants' arguments thereagainst.

OPINION

The claims are argued to stand or fall together (Br3). Claim 1 is considered as the representative claim.

Appellants argue that Norden-Paul teaches no more than the admitted prior art list shown in appellants' figure 1 and that Saito teaches no more than the admitted prior art graphical representation of time-series data shown in appellants' figure 2 (Br6). We agree with these findings.

Appellants argue that there is no suggestion in either Norden-Paul or Saito to display a time-series list of numerical-value data and a time-series graph of such data simultaneously on a display screen. We agree.

The examiner sets out several reasons why the simultaneous display limitation is either taught (because of the way it is claimed) or would have been obvious over Norden-Paul and Saito, none of which reasons we find persuasive.

First, the examiner states (FR3):

> It is noted that [Norden-]Paul does not explicitly teach the graph generating means as claimed. However, [Norden-]Paul's time-series data suggests any well known type of representing these data can be used such as representing in the graph form as claimed. Furthermore, Saito teaches that the graph representation of time-series data such as [Norden-]Paul's is [sic, was] widely used in the art (Saito, figure 2). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Saito, to configure [Norden-]Paul's system as claimed by representing [Norden-]Paul's time series data in graph form.

Whether it would have been obvious to graph time-series order numerical-value data is not the issue. There is no doubt that graphing time-series order numerical-value data was notoriously well known to mathematicians, scientists, and engineers for centuries. The issue is whether it would have been obvious to display time-series order numerical-value data and a time-series order graph of that data simultaneously on a single screen. The examiner's reasoning does not address that particular issue and, therefore, is not persuasive.

Second, the examiner states that "Saito's graphs in figure 2 contain both graph and [a] 'loosely defined' list of the time-series data in the list by just having the data along two axis [sic, axes]" (EA3). That someone may be able to

determine the numerical value from the graph in Saito does not meet the claim limitation for "numerical-value data" in addition to a time-series order graph of that data. "Numerical-value data" is data in the form of a numerical value, not a point on a graph or a point along one of the axes. Thus, to the extent the examiner relies on a broad claim interpretation of claim 1 to read on Saito, we find such interpretation unreasonable.

Third, the examiner states that "both representation of list of [sic, and] graphical representation of time-series data are well known and widely used in the art, therefore the simultaneous displaying of such well known images is considered as obvious and conventional to a person of ordinary skill in the art" (EA3-4). Since simultaneous display is appellants' argued invention, we require more than a mere conclusory statement by the examiner that what appellants claim would have been obvious. As evidence, the examiner could have provided an example of simultaneous representation of time-series order numerical-value data in list form and graph form on the same page of paper, perhaps from an elementary textbook, which would have taught that simultaneous

display was a well known information representation technique. The examiner also could have provided evidence to show that time-series order numerical-value data could be displayed in list form in one computer window and displayed in graph form in another computer window on the same screen in a computer windowing environment. However, instead of presenting evidence, the examiner has based the rejection on mere conclusions at the very point of argued novelty, which is not persuasive. It is the examiner's duty to present a prima facie case of obviousness. We review the examiner's rejection based on the record created by the examiner.

Fourth, the examiner states that "in the disclosure, Applicant admits that there is a nexus between the prior arts [sic] in figures 1 and 2; or in other words, it would have been obvious at the time the invention was made to combine the teachings of Norden-Paul et al. and Saito" (EA5). The fact that the graph in figure 2 is a graph of the numerical data in figure 1 says nothing, in itself, about displaying both figures simultaneously on a single screen of a display. The examiner's statement that the relationship between figures 1 and 2 somehow implies an admission as to the obviousness of

combining the teachings to provide the claimed subject matter is erroneous.

Fifth, the examiner makes a distinction between "numerical values" and "numerical-value data," stating that "numerical value data is the data related to the numerical values and not necessarily the numerical values itself" (EA5) and (EA5-6):

> Examiner regards the "numerical value data" in the claims as the relationship between the graph itself and the values in the coordinate system, (e.g., Saito, figure 2). Therefore, Examiner maintains that Saito's graph in figure 2 shows not only the time series order graph, but also the time series order numerical value data.

This argument appears to be the same as the Second argument addressed, supra, and we refer back to our discussion thereof. It is clear that "numerical-value data" is data in the form of a numerical value, not a point on a graph which indirectly represents a numerical value. Again, to the extent the examiner relies on a broad claim interpretation of claim 1 that reads on Saito, we find such interpretation unreasonable.

In summary, we conclude that the examiner has failed to establish a prima facie case of obviousness. Accordingly, the rejection of claims 1-22 is reversed.

REVERSED

LEE E. BARRETT Administrative Patent Judge	)
JOSEPH L. DIXON Administrative Patent Judge	) BOARD OF PATENT APPEALS AND INTERFERENCES
LANCE LEONARD BARRY Administrative Patent Judge	)

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